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Message Text

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PAGE 01 ASUNCI 01301 010859Z
ACTION ARA-14

INFO OCT-01 ISO-00 HA-05 H-01 L-03 CIAE-00 INR-10
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FM AMEMBASSY ASUNCION
TO SECSTATE WASHDC 2677
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E.O. 11652: N/A
TAGS: SHUM, PA
SUBJ: PROSECUTOR CALLS FOR SENTENCING IN BOGADO GONDRA CASE

REF: A) PANAMA 2127; B) ASUNCION 1176

1. PRESS REPORTS MARCH 31 STATE THAT THE PROSECUTOR IN THE BOGADO GONDRA CASE HAS ASKED THE JUDGE TO IMPOSE A TWO-YEAR PRISON SENTENCE ON JUAN FELIX BOGADO GONDRA, THE MAIN SUSPECT IN THE CASE, AND ONE-YEAR SENTENCES ON THE REMAINING FIVE SUSPECTS: JORGE CANESE, JOSE MORINIGO ALCARAZ, ANTONIO VALENZUELA CANDIA, EDUARDO ARCE SCHAERER AND OSCAR RODRIGUEZ CAMPUZANO, THE LAST A WORKER FOR THE INTER-AMERICAN FOUNDATION-SPONSORED PROJECT MARANDU II.

2. IN HIS CHARGE TO THE JUDGE, THE PROSECUTOR STATED THAT GUILT WAS CLEARLY ESTABLISHED AND THAT "ONE ONLY NEEDS TO CONSIDER THE STATEMENT PRESENTED BY THE POLICE WHICH PUT FORWARD THE EVIDENCE OF CRIMINAL ACTION BY THE ACCUSED." IN THE CASE OF BOGADO GONDRA, THE PROSECUTOR ASKED FOR THE LONGER SENTENCE BECAUSE THIS WAS HIS SECOND OFFENSE. BOGADO GONDRA WAS ARRESTED IN 1969 IN CONNECTION WITH A STUDENT PROTEST AGAINST THE VISIT OF NELSON ROCKEFELLER AND SPENT NINE MONTHS IN PRISON AT THAT TIME.

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3. THE PROSECUTOR'S CHARGE TO THE JUDGE PROBABLY REPRESENTS THE GOP'S DECISION AS TO HOW IT PLANS TO SETTLE THIS CASE AND IT SEEMS UNLIKELY THE JUDGE'S DECISION WILL DIFFER IN ANY WAY. ONE-YEAR SENTENCES WILL MEAN THAT FIVE OF THE SIX ACCUSED CAN BE RELEASED BY THE END OF APRIL HAVING ALREADY BEEN IMPRISONED FOR NINE MONTHS. THE LAW ALLOWS FOR THE RELEASE OF PERSONS WHO HAVE SERVED TWO-THIRDS OF THEIR SENTENCES. A

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TWO-YEAR SENTENCE IMPOSED ON BOGADO GONDRA WOULD MAINLY BE AN OFFERING TO THE WRATH OF INVESTIGATIONS POLICE CHIEF PASTOR CORONEL.

4. MORE DISTURBING, HOWEVER, IS THE INDICATION THAT THE GOP IS CONTINUING TO INSIST THAT UNDUE WEIGHT BE GIVEN TO POLICE EVIDENCE AS DEMONSTRATED BY THE PROSECUTOR'S CLAIM THAT ONE ONLY NEEDS TO CONSIDER THE POLICE STATEMENT TO DETERMINE GUILT. THIS IS ESPECIALLY TRUE IN THIS CASE WHERE THE POLICE EVIDENCE RESTS ON A CONFESSION WHICH IS KNOWN TO HAVE BEEN XTRACTED THROUGH TORTURE AND WHICH BOGADO FORMALLY RETRACTED IN HIS HEARING BEFORE THE JUDGE.
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